

**NOTICE OF NON-OPPOSITION TO DEFENDANTS MINEONE WYOMING DATA
CENTER LLC, MINEONE PARTNERS LLC, AND TERRA CRYPTO INC.'S MOTION
TO COMPEL DISCOVERY FROM PLAINTIFF, FOR SANCTIONS, AND FOR
ALTERNATIVE SERVICE OF SUBPOENAS**

COME NOW Defendants MineOne Wyoming Data Center LLC, MineOne Partners LLC, and Terra Crypto Inc. (collectively, “MineOne”), by their counsel, and hereby file this notice of non-opposition to their Motion to Compel Discovery from Plaintiff, for Sanctions, and for Alternative Service of Subpoenas (ECF No. 366) (the “Motion”).

1. By Order dated September 16, 2024 (ECF No. 358), Magistrate Judge Hambrick set a briefing schedule for MineOne’s Motion and ordered that MineOne file its Motion by Friday, September 20, 2024, Plaintiff BCB Cheyenne LLC (“BCB”) file its Response by Friday, October 4, 2024, and MineOne file its reply by Friday, October 11, 2024.

2. MineOne timely filed its Motion on September 20, 2024. *See* ECF No. 366.

3. However, BCB failed to file a Response to MineOne’s Motion by its Court-ordered deadline of October 4, 2024. There was no Court Order or agreement by the parties extending BCB’s Court-ordered deadline.

4. While BCB, at the last minute, sought an extension of an additional 17 days to respond to MineOne’s Motion (ECF No. 380), BCB misrepresented the facts, as fully detailed in MineOne’s Opposition to BCB’s Motion for an Extension of Time (ECF No. 381).

5. BCB’s default in responding to the Motion is inexcusable. Accordingly, and in addition to each of the reasons set forth in the Motion, MineOne’s Motion should be granted in its entirety. *See, e.g., Meridith v. Great Wolf Lodge of Kan. City*, No. 07-2529-DJW, 2008 U.S. Dist. LEXIS 71408, at *4 (D. Kan. Sep. 19, 2008) (granting motion to compel as unopposed and awarding attorneys’ fees); *Martinez v. Corrhealth*, No. 1:22-cv-00288-WJ-SCY, 2024 U.S. Dist. LEXIS 89597, at *10 (D.N.M. May 17, 2024) (granting unopposed motion for sanctions and adverse inference).

CONCLUSION

WHEREFORE, in accordance with the foregoing, and as detailed in MineOne's Motion, MineOne requests that the Court enter an Order compelling discovery from BCB and for sanctions due to BCB's noncompliance with the Court's discovery Order and for spoliation of critical evidence. It is also respectfully requested that the Court enter an Order that MineOne can serve the subpoenas on Neil Phippen, Sean Murphy and Stephen Randall by email as a means of alternative service.

MineOne submitted its proposed order to the Court on September 23, 2024. *See* ECF No. 367.

DATED this 7th day of October, 2024

DEFENDANTS MINEONE WYOMING DATA
CENTER, LLC, MINEONE PARTNERS LLC, AND
TERRA CRYPTO INC.,

By: /s/ Paula K. Colbath

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CERTIFICATE OF SERVICE

This is to certify that on the 7th day of October, 2024, a true and correct copy of the foregoing was served upon counsel as follows:

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